

MESSAGE NO: 2093207 MESSAGE DATE: 04/03/2002

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 04/03/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON CELLULAR MOBILE TELEPHONES AND
SUBASSEMBLIES FROM JAPAN (A-588-405)

MESSAGE NO: 2093207

DATE: 04 03 2002

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

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CASES: A - 588 - 405

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PERIOD COVERED: 04 03 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: ANTIDUMPING SCOPE RULING ON CELLULAR MOBILE TELEPHONES
AND SUBASSEMBLIES FROM JAPAN (A-588-405)

1. ON 03/31/1994, IN RESPONSE TO A REQUEST BY MATSUSHITA COMMUNICATION INDUSTRIAL CO. LTD.,(A-588-405-006) AND ITS RELATED ENTITIES (COLLECTIVELY MATSUSHITA) THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) ISSUED A FINAL SCOPE RULING FINDING THAT THE PANASONIC MODELS EB-3530 AND EB-3531 (EB-3530/31) PORTABLE CELLULAR TELEPHONES (PCTS), INCLUDING THEIR ACCESSORIES, AND THE SUBASSEMBLIES AND/OR COMPONENTS OF THE EB-3530/31 AND THEIR ACCESSORIES ARE OUTSIDE THE SCOPE OF THE ANTIDUMPING ORDER ON CELLULAR MOBILE TELEPHONES AND

SUBASSEMBLIES FROM JAPAN.

2. THE DEPARTMENT DETERMINED THAT PANASONIC MODELS EB-3530 AND EB-3531 ARE PRIMARILY "POCKET-SIZE SELF-CONTAINED PORTABLE CELLULAR TELEPHONES (PCTS) AND ARE, THEREFORE, OUTSIDE THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES AND SUBASSEMBLIES FROM JAPAN.

THE DEPARTMENT DETERMINED THAT THE FOLLOWING PARTS/COMPONENTS OF

THE EB-3530/31 PCTS ARE OUTSIDE THE SCOPE OF THE ORDER BECAUSE THEY WERE SPECIFICALLY DESIGNED FOR USE IN PCTS, AND WERE NOT SPECIFICALLY DESIGNED FOR USE IN A CELLULAR MOBILE TELEPHONE (CMT): MN73050LDD2, MN76049OULA-1, AA10194A, FS10048A, UUUJO029B, UY10081B, SY10025B, UZ10001A, SM5153H8S.

THE DEPARTMENT ALSO DETERMINED THAT THE MERCHANDISE IN MAIN UNIT KIT HH900/950, OTHER THAN THE INDIVIDUAL EB-3530 MAIN UNIT (WHICH INCLUDES THE EB-3530 PCT, BATTERY PACK EB-P10184 AND TRAVEL CHARGER EB-P10167), AND THE MERCHANDISE IN MAIN UNIT KIT EB-H50, OTHER THAN THE EB-3531 MAIN UNIT (WHICH INCLUDES THE EB-3531 PCT, A BATTERY PACK EB-10180, AND TRAVEL CHARGER EB-P10150), AS WELL AS THE RAPID CHARGER KITS EB-53 AND EB-911, WHICH CONTAIN RAPID CHARGER MODEL NUMBER EB-10168 AND EB-10151, RESPECTIVELY, AND THE DC ADAPTOR KITS EB-54 AND EB-912, WHICH CONTAIN DC ADAPTOR MODEL NUMBER EB-10169 AND EBP10152, RESPECTIVELY, ARE ACCESSORIES TO MATSUSHITA'S PCTS BECAUSE THEY MERELY SUPPORT THE EB-3530/31'S PORTABLE USE AND DO NOT OTHERWISE FIT WITHIN THE DEFINITION OF COVERED MERCHANDISE. FURTHER, THE DEPARTMENT DETERMINED THAT THE

MAIN UNIT KITS (HH900/950 AND EB-H-50) THEMSELVES ARE OUTSIDE THE SCOPE OF THE ORDER.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF PANASONIC MODELS EB-3530 AND EB-3531 (EB-3530/31) PORTABLE CELLULAR TELEPHONES (PCTS), INCLUDING THEIR ACCESSORIES, AND THE

SUBASSEMBLIES AND/OR COMPONENTS OF THE EB-3530/31 AND THEIR ACCESSORIES

4. REFUND ANY CASH DEPOSITS OF ANTIDUMPING DUTIES WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE PANASONIC MODELS EB-3530 AND EB-3531 INCLUDING THEIR ACCESSORIES, AND THEIR SUBASSEMBLIES AND/OR COMPONENTS DESCRIBED ABOVE. THE REFUND OF CASH DEPOSITS BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930.

SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RON TRENTAM AT 202-482-6320, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party